

### REMARKS

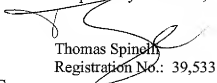
Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner indicates that the previous amendments and arguments are persuasive and withdraws all of the prior art rejections of the claims. However, the Examiner has repeated a previous double patenting rejection of claims 1-3 and 8-20 over claims 35-37, 39, 43 and 45-50 of co-pending application 09/894,659. The Examiner indicates that the previously filed terminal disclaimer has the wrong application number (09/894,359) identified therein.

In response, Applicant files herewith a terminal disclaimer disclaiming any portion of the term of a U.S. patent that eventuates from the present application that extends beyond the term of co-pending Application No. 09/894,659. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 1-3 and 8-20 under the judicially created doctrine of obviousness-type double patenting.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
TS:cm  
Encl. (Terminal Disclaimer)